

**THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

KALEB FRANKS,

Defendant.

Case No. 1:20-CR-183

**Hon. Robert J. Jonker
Chief U.S. District Court Judge**

**DEFENDANT FRANKS' MOTION FOR EXTENSION OF TIME TO FILE
PROPOSED JURY QUESTIONNAIRE AND MEMORANDUM IN SUPPORT**

Defendant Kaleb Franks, through counsel Scott Graham, moves this Court for an additional week/7 days, until September 2, 2021, within which to file a proposed extended jury questionnaire in this matter. In support of this motion, he offers the following memorandum of law.

Legal Discussion

This Court, of course, has broad discretion to extend filing deadlines. Federal Rule of Criminal Procedure 45 provides that courts may extend time on their own, “or for good cause may do so on a party’s motion.” Fed. R. Crim. P. 45(b)(1). The local rules provide that a “court may in a particular case shorten or enlarge any time, word count, or page limit established by these rules, with or without prior notice or motion.” Local Crim. R. 12.3 (addressing motion practice).

On July 12, 2021, Mr. Franks moved for leave to propose an extended juror questionnaire for use in this case, given the unique political and media concerns presented here. *See* RE. 228: Motion to Allow Submission of Juror Questionnaire, PageID # 1261-64. Codefendants have joined in this motion. On July 15, 2021, the Court ordered submission of a draft questionnaire by August 26, 2021, along with any written argument. *See* RE. 257: Order, PageID # 1399.

Mr. Franks now asks for an additional 7 days to make a joint submission. Tailoring a concise questionnaire to suit everyone involved has required multiple drafts, review of materials used in other districts, and consideration of case law like *Ritchie v. Rogers*, 313 F.3d 948, 957 (6th Cir. 2002) (discussing how a “state trial court summoned a large number of prospective jurors and asked each one to categorize his or her position in compliance with the trial’s court instructions,” including juror exposure to media reports). Circulating drafts for approval from everyone involved is also time consuming. Mr. Franks now asks for 7 additional days to complete this work.

Respectfully submitted,

Date: August 26, 2021

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